

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARK DANIEL ROLLINS,

Plaintiff,

V.

PIERCE COUNTY CORRECTIONAL
FACILITY, CORRECTIONS OFFICER
PAPP, SGT. HARDGROVE, AND
CORRECTIONS OFFICER SHAVIRI.

Defendants.

NO. C10-5438 RBL/KLS

ORDER DENYING MOTIONS FOR
DISCOVERY AND TO RE-NOTE
DEFENDANTS' MOTION TO
DISMISS

Before the court are Plaintiff's Motion for Discovery and Motion to Re-Note

Defendants' Motion to Dismiss. ECF Nos. 22 and 24. Plaintiff's motion for discovery states that as a pro se plaintiff, he is "requesting to receive any and all information in docket and discovery for civil number C10-5438RBL." ECF No. 22. In his motion to re-note Defendants' motion to dismiss, Plaintiff states that he was unavailable to attend court on the date that this motion was noted. ECF No. 24.

Defendants' motion to dismiss is noted for October 15, 2010. ECF No. 19. The court has not yet ruled on the motion. In addition, unless otherwise ordered by the court, all motions will be decided by the court without oral argument and counsel and parties shall not appear on the date a motion is noted. CR 7(b) (4). The court has not ordered oral argument on this motion. Therefore, Plaintiff's request that the motion be re-noted is moot.

With regard to his motion for discovery, the court finds that the parties should not face the burden and expense of responding to discovery as to claims that may not survive the pleading stage. *See, e.g., Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988) (court has broad discretionary powers to control discovery). A court may relieve a party of the burdens of discovery while a dispositive motion is pending. *DiMartini v. Ferrin*, 889 F.2d 922 (9th Cir. 1989), amended at 906 F.2d 465 (9th Cir. 1990) *Rae v. Union Bank*, 725 F.2d 478 (9th Cir. 1984). Thus, discovery in this case shall be stayed pending the court's determination of Defendants' motion to dismiss.¹

Accordingly, it is **ORDERED**:

(1) Plaintiff's motions for discovery and to re-note the motion to dismiss (ECF Nos. 22 and 24) are **DENIED**. All discovery is stayed pending further order of this court.

(2) The Clerk shall send copies of this Order to Plaintiff and counsel for Defendants.

DATED this 1st day of November, 2010.

Karen L. Strombom
Karen L. Strombom
United States Magistrate Judge

¹ The court declines at this stage to rule on the merits of Plaintiff's discovery request. However, Plaintiff is advised that any discovery requests to Defendants must be made in accordance with the rules governing discovery. *See*, Fed. R. Civ. P. 26, *et seq.*